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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,289	09/08/2003	Timothy Hewitt	603400-043	1379

59582 7590 07/28/2008

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EXAMINER	
PETERSON, KENNETH E	
ART UNIT	**PAPER NUMBER**
3724	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,289	HEWITT ET AL.	
	Examiner	Art Unit	
	Kenneth Peterson	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *30 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the below cited references.

Miller et al.(6,360,642) shows a fence assembly having most of the recited limitations including slidable fence beam (104) and studs (150) that stick out both sides of the fence beam. Miller also shows a first fence face (132 in figure 1) and a second fence face (132 in figure 2).

Miller's studs mate with his fence faces via a head and slot, but not a keyhole shaped slot. Examiner takes Official Notice that it is well known to employ multiple keyhole connections on fences as seen in figure 7 of Theising (5,181,446). It would have been obvious to one of ordinary skill in the art to have modified Miller by making the fence face connections employ keyhole slots engaging the stud heads, as is well known and taught by Theising, since this is an art recognized equivalent known for the same purpose of connecting machine parts together.

In regards to the limitations of lines 5-24 of claim 1 (the recess, plates, studs, keyholes, fasteners, grooves), Examiner takes Official Notice that such fastening systems are old and well known. The patents to Welch (3,894,377) and Miklavic et al.(5,752,356) shows such systems. In particular, Miklavic shows the groove (25 in figure 2) and Welch teaches the stud head touching both the plate and recess bottom

(cover figure) to wedge the stud in place. It would have been obvious to one of ordinary skill in the art to have further modified Miller by making his keyhole connections to have the features of Welch and Miklavic, since the mere substitution of known elements to obtain predictable results is considered to be obvious.

In regards to claim 2, Miller obviously could have two fence faces mounted simultaneously as well, since the courts have ruled that it is obvious to have redundant parts (St. Regis Paper Co. vs Bemis Co. Inc 193 USPQ 8,11). It would have been obvious to one of ordinary skill in the art to have provided two fence faces simultaneously, so that the operator would not need to keep switching a single one back and forth. By analogy, it is obvious to keep a stapler at both your home and your office, so you don't have to keep carrying one back and forth.

In regards to claim 3, it is not clear if Miller's fence face is taller than his fence beam. Examiner takes Official Notice that such is well known. For example, see the patents to Collignon (2,726,692) (9,21) and Sellmeyer (2,315,458) (68). It would have been obvious to one of ordinary skill in the art to have made the fence face taller than the fence beam, as taught by Collignon and Sellmeyer, in order to have a sufficiently large guiding face for the workpiece.

In regards to claim 4, Miller's fence face is made out of metal.

In regards to claim 5, Examiner takes Official Notice that it is well known for fence parts to be made out of wood. See for example Osborne (5,979,283)(line 27, column 6). It would have been obvious to one of ordinary skill in the art to have made

the fence face out of wood, as is well known or taught by Osborne, in order to save production costs.

In regards to claim 6, Examiner takes Official Notice that it is well known for fence faces to be made out of wood. See for example Collignon '693 (21). It would have been obvious to one of ordinary skill in the art to have made the fence face out of wood, as is well known or taught by Collignon, in order to save production costs.

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Take note that this rejection employs a different Welch reference (3,894,377) than the previous action's Welch (3,645,162).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is (571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Peterson/
Primary Examiner, Art Unit 3724